



Sep-14-2004 11:13am From: NATIONAL FUTURES ASSOCIATION

2129643913

T-469 P.002/005 F-904

Yana Poretsky

From: Todd [toddb@mccunemansion.com]  
 Sent: Friday, June 04, 2004 10:35 AM  
 To: Cheryl Tulino  
 Subject: Fw: Account Status

----- Original Message -----

From: "Todd" <toddb@mccunemansion.com>  
 To: <ctulino@naa.futures.org>  
 Sent: Thursday, June 03, 2004 4:06 PM  
 Subject: Fw: Account Status

&gt; ----- Original Message -----

> From: <ashah@isospace.com>  
 > To: <toddb@mccunemansion.com>  
 > Cc: <ashah@isospace.com>  
 > Sent: Friday, January 30, 2004 11:06 PM  
 > Subject: Account Status

> > Dear Todd, Please accept my thanks for being patient. I appreciate  
 > > your understanding and cooperation. Listed below is your account  
 > > balance and

> > summary of the P/L performance for the week ending January  
 > > 31st, 2004.

> > Your account balance as of 12/30/03 was approximately:

> >		\$8,095,000
> >	Realized	\$5,500,000
> >	Unrealized	\$1,595,000

> > For the week ending January 31st, 2004 the P/L was: \$89,000

> > Currently the fund is invested in the following:

> > Short Volatility in the equities (SnP)  
 > > Long the US dollar versus the euro and Canadian  
 > > dollar (Short term positive on the us dollar,  
 > > Short US Treasury Bond market (negative on the fixed  
 > > income  
 > > mkts.)  
 > > Short term negative on the Gold.

> > Please rest assured you will be receiving weekly P/L performance  
 > > numbers at the end of each week and monthly reports reflecting the  
 > > YTD balances. Once again sorry for the inconvenience,  
 > > Abbas Shah

IN ARBITRATION BEFORE  
NATIONAL FUTURES ASSOCIATION

-----X		
MCCARTHEY INVESTMENTS LLC, JFM	:	
HOLDINGS, L.P., and 2001 JANE F. MCCARTHEY	:	NFA Case Nos: 05-ARB-107
GRAT NO. 5,	:	05-ARB-132
	:	05-ARB-133
Claimants,	:	
-and-	:	
ABBAS A. SHAH, LINUXOR ASSET	:	<b>AFFIDAVIT OF ABBAS</b>
MANAGEMENT, LLC, LINUXOR CAPITAL	:	<b>A. SHAH IN SUPPORT OF</b>
MANAGEMENT, LLC, and ADAM S. BORNSTEIN,	:	<b>RESPONDENTS' MOTION</b>
	:	<b><u>TO DISMISS THE CLAIMS</u></b>
Respondents.	:	
-----X		

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

ABBAS A. SHAH, being duly sworn, deposes and says:

1. I am an individual respondent and reside in New York, New York.
2. At all times relevant to this proceeding, I was a principal of (i) respondent Linuxor Asset Management, LLC, Delaware limited liability company ("LAM"), which is registered with the Commodity Futures Trading Commission ("CFTC") as a registered commodity pool operator and was a member of the National Futures Association ("NFA"); and (ii) respondent Linuxor Capital Management, LLC, a Delaware limited liability company ("LCM"), registered as a commodity trading adviser with the CFTC. Hereinafter, Abbas Shah, LAM and LCM shall be collectively referred to as "Respondents."
3. I respectfully submit this affidavit in support of Respondents' motion to dismiss the claims in this proceeding as barred by, *inter alia*, Rule ¶ 6035 of the NFA Code of Arbitration (the "Code").

4. I am fully familiar with the facts of this proceeding and of each Statement of Claim filed by claimants McCarthy Investments LLC, JFM Holdings, L.P., and 2001 Jane F. McCarthy GRAT NO. 5 (collectively "Claimants") against Respondents.

5. Except as otherwise stated to be on information and/or belief, I make this affidavit based on personal knowledge.

6. At all times relevant, LAM was the general partner and commodity pool operator of Linuxor Global Macro Fund, L.P., a Delaware limited partnership (the "Fund"), and LCM was the commodity trading adviser to the Fund.

7. Claimants were each limited partners of the Fund.

8. Claimants' financial adviser was Mr. Todd Brashear ("Mr. Brashear"). I reported the Fund's performance and other material information directly to Mr. Brashear. I also communicated often with Mr. Philip McCarthy ("Mr. McCarthy"), who was also authorized to act on behalf of Claimants.

9. I traded the Fund's portfolio from early 2002 through the beginning of July 2004. During this time, generally on a weekly basis, I had frequent communications with Mr. McCarthy and Mr. Brashear about the Fund's profits and losses. Claimants, Mr. McCarthy and Mr. Brashear were perfectly aware on a current basis of the status of Claimants' investments in the Fund.

10. Without addressing the lack of merit in Claimants' claims, Claimants were fully aware of the volatility and risks of investing in the Fund, which suffered losses in the first year of trading, due exclusively to market conditions. If necessary, we will ultimately address these issues at a hearing. For now, I will limit this affidavit to the points relevant to Respondent's Motion to Dismiss Claimants' claims.

11. In August 2002, I notified Mr. McCarthy and Mr. Brashear that the Fund had recently suffered losses of approximately \$3,500,000, or 32%. In or about late August 2002, I had a conference call with them to discuss these losses and my plan for trying to recover them. On that phone call, with every right to terminate their investment, Claimants elected to continue in the Fund, notwithstanding their actual knowledge of the Fund's formidable losses and of the continued high risk of continuing as investors in the Fund.

12. Claimants' falsely claim that they did not receive their 2002 K-1 Schedules until September 2003. While Respondents argue that the period of limitations for Claimants' claims began at least as far back as August 2002, as described in paragraph 11 above, the date of Claimants' receipt of the K-1 Schedules is critical because it signifies the latest possible date upon which Claimants may plausibly allege ignorance as to the trading losses incurred in their Fund accounts. It also marks the last possible date that the relevant statute of limitations began to run, because at this point Claimants indisputably knew or should have known of the facts giving rise to their purported claims.

13. As indicated by covering letters dated August 12, 2003, I believe that the Fund's auditors, Rothstein Kass & Co, P.C. ("Rothstein Kass"), mailed to each Claimant its 2002 Form K-1 Schedule. Copies of the covering letters and Forms K-1 are attached hereto as Exhibit A (the "K-1 Forms"). Such K-1 Forms disclosed that as of December 31, 2002, Claimants lost a significant part of their investment capital.

14. In addition, on August 25, 2003, I faxed each Claimant's K-1 Form to Mr. Brashear and confirmed that fact in an email sent that day to Mr. Brashear, a copy of which is attached hereto as Exhibit B. In the email, I apologized for the delay and discussed certain details of the information reflected in the K-1 Forms. I also instructed Mr. Brashear to check his fax machine for the hard copy of the K-1 Forms that were previously sent that day.

15. On August 25, 2003, in a phone conference that I had with Mr. Brashear, he confirmed his receipt of the K-1 Forms.

16. Consequently, Claimants' allegations that they received the K-1 Forms in September 2003 are simply false. They had the K-1 Forms which included all of the relevant 2002 trading losses no later than August 25, 2003, more than two years before their initiation of this proceeding on October 25, 2005.

17. Thus, all claims arising more than two years before the initiation of this arbitration are barred under the Code.

18. Furthermore, assuming, as Respondents argue, that the Code bars Claimants' claims for the period from the date of their investment in the Fund through August 31, 2003, Claimants still have no viable claim for damages for the period September 1, 2003 through their date of redemption in early July 2004 because the value of their accounts actually increased from \$3,657,962 to \$4,002,899 during that time, as reflected in account statements attached hereto as Exhibit C.<sup>1</sup>

19. In sum, all of Claimants' claims must be dismissed.

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<sup>1</sup> Exhibit C contains (i) a report prepared by the Fund's administrator showing the aggregate value of Claimants' accounts to be \$3,657,962 as of August 31, 2003 and (ii) the relevant pages of the Fund's July 2004 bank account statement at Chase Bank showing payments to Claimants of \$1,740,391.00, \$1,740,391.00 and \$522,117.00; totaling \$4,002,899.00.

WHEREFORE, Respondents respectfully request that their Motion to Dismiss be granted, with prejudice.

  
Abbas A. Shah

Sworn to before me this  
22<sup>nd</sup> day of December, 2005.

  
Notary Public

MICHAEL S. PARADISE  
Notary Public, State of New York  
No. 31-4977329  
Qualified in New York County  
Commission Expires February 4, ~~1998~~  
2007







August 12, 2003

McCarthy Investments LLC  
610 East South Temple, Suite 200  
Salt Lake City, UT 84102

Dear Partner:

Enclosed please find your K-1 tax information and instructions for Linuxor Global Macro Fund L.P. for December 31, 2002. If you have any questions, please feel free to contact John Zacharella at JZacharella@rkco.com or Gary Berger at GBerger@rkco.com.

Sincerely,

Rothstein, Kass &amp; Company, P.C.

1177 Avenue of the Americas  
New York, NY 10036  
(212) 997-0500  
Fax (212) 730-6892

9171 Wilshire Boulevard  
Beverly Hills, CA 90210  
(310) 273-2770  
Fax (310) 273-6649

500 Ygnacio Valley Road  
Walnut Creek, CA 94956  
(925) 946-1300  
Fax (925) 947-1700

2515 McKinney Avenue  
Dallas, TX 75201  
(214) 665-6000  
Fax (214) 965-0710

3 Becker Farm Road  
Roseland, NJ 07068  
(973) 994-6666  
Fax (973) 758-1958

## INSTRUCTIONS FOR TRADE OR BUSINESS

Attached is a copy of Schedule K-1, Form 1065 which lists your distributive share of the Partnership's taxable income (loss) for the year ended December 31, 2002. These amounts are to be reported on your 2002 Income Tax Returns.

In connection with the information included on the attached copy of Federal Schedule K-1, please note the following:

### Trade or Business

The Partnership has taken the position that it is engaged in the active conduct of a business as a trader in securities. The trading operation is not passive income and is not portfolio income for purposes of the passive activity loss rules (Temp. Reg. Section 1.469-1T(e)(6); Section 1.469-2T(c)(3)(ii)(D)).

Each partner must individually determine whether or not he or she materially participated during the year in the operations of the Partnership, since this affects the presentation and placement of interest expense on your tax return. The Schedule K-1 has been prepared on the basis of a partner who does not materially participate in the operations of the Partnership. Limited partners generally do not materially participate in the trading activities of the Partnership. Accordingly, interest expense reported on line 14a should be reported by an "Individual" taxpayer on Form 4952 line 1 – investment interest expense. Any deductible interest expense should be entered on Schedule E, Part II, column (i). For purposes of determining the investment interest expense limitation, the amounts shown on lines 1 and 7 will affect the computation of investment income.

A partner that materially participates in the trading operation of the Partnership, or a partner that is a "C" corporation, should combine the net ordinary income (loss) reported on line 1 with the interest expense reported on line 14a.

### Trader Net Long-Term Capital Gain (Loss)

The supporting schedule for line 7 includes your share of net long-term capital gain (loss). The amount of qualified 5-year gain, if any, included in the net long-term capital gain (loss) is separately stated. Qualified 5-year gain is subject to a special reduced 8% tax rate for individuals reporting a net long-term capital gain. The reduced tax rate of 8% is available only to the extent that the qualified 5-year gain falls within the 15% tax bracket.

**Dividends Eligible for Dividend – Received – Deduction (DRD)**

The qualifying dividends represent the amount of dividends from less than 20% owned domestic corporations eligible for the dividends received deduction under IRC Section 243(a). The balance of dividends is not eligible for the dividends received deduction.

**Unrelated Business Taxable Income (Loss)**

If you are a tax-exempt entity and you have gross income from an unrelated trade or business of \$1,000 or more, you must file Form 990-T. The law is not entirely clear as to the proper way to determine income (loss) that is attributable to the use of leverage ("debt-financed income"). We have computed UBTI based on our interpretation of the law. Our computation of UBTI has been reflected on line 25 of Schedule K-1.

**Guaranteed Payments**

Guaranteed payments do not constitute passive income. Guaranteed payments that represent interest on capital constitute investment income for purposes of the investment interest expense limitation.

**State & Local Tax Information**

If you are required to file a state income tax return, your share of interest income from obligations issued by the U.S. Government or its agencies and your share of expenses to carry such obligations are reported on line 25 of Schedule K-1.

**THESE INSTRUCTIONS INVOLVE COMPLEX INCOME TAX MATTERS WHICH OFTEN AFFECT TAXPAYERS DIFFERENTLY DEPENDING UPON THEIR OWN PARTICULAR FACTS AND CIRCUMSTANCES. THEREFORE, YOU SHOULD CONSIDER CONSULTING WITH A PROFESSIONAL TAX ADVISER IF YOU ARE UNCERTAIN ABOUT THE TREATMENT OF ANY ITEM REPORTED ON SCHEDULE K-1 AND THE ACCOMPANYING ATTACHMENTS.**

**SCHEDULE K-1**  
**(Form 1065)**

 Department of the Treasury  
 Internal Revenue Service

**Partner's Share of Income, Credits, Deductions, etc.**

▶ See separate instructions.

For calendar year 2002 or tax year beginning

, 2002, and ending

, 2002

OMB No. 1545-0099

**2002**
**Partner's identifying number** ▶ 33-1002055

**Partnership's identifying number** ▶

13-4198369

**Partner's name, address, and ZIP code**

McCarthey Investments LLC

610 East South Temple, Suite 200

Salt Lake City, UT 84102

**Partnership's name, address, and ZIP code**

Linuxor Global Macro Fund, L.P.

7 Hanover Square, 2nd Floor

New York, NY 10004

**A** This partner is a ☐ general partner ☒ limited partner  
☐ limited liability company member

**B** What type of entity is this partner? ▶ LLC

**C** Is this partner a ☒ domestic or a ☐ foreign partner?

(i) Before change or termination (ii) End of year

**D** Enter partner's percentage of:

Profit sharing . . . . . % VAR %

Loss sharing . . . . . % VAR %

Ownership of capital . . . . . % 42.94 %

**E** IRS Center where partnership filed return: Cincinnati, OH

**F** Partner's share of liabilities (see instructions):

Nonrecourse . . . . . \$

Qualified nonrecourse financing . . . . . \$

Other . . . . . \$

**G** Tax shelter registration number ▶

**H** Check here if this partnership is a publicly traded partnership as defined in section 469(k)(2) ☐
**I** Check applicable boxes: (1) ☐ Final K-1 (2) ☐ Amended K-1

**J** Analysis of partner's capital account:

(a) Capital account at beginning of year	(b) Capital contributed during year	(c) Partner's share of lines 3, 4, and 7, Form 1065, Schedule M-2	(d) Withdrawals and distributions	(e) Capital account at end of year (combine columns (a) through (d))
0	5,000,000	(2,127,050)	(0)	2,872,950

(a) Distributive share item		(b) Amount	(c) 1040 filers enter the amount in column (b) on:
Income (Loss)	1 Ordinary income (loss) from trade or business activities . . . . .	1 (73,395)	See page 6 of Partner's instructions for Schedule K-1 (Form 1065).
	2 Net income (loss) from rental real estate activities . . . . .	2	
	3 Net income (loss) from other rental activities . . . . .	3	
	4 Portfolio income (loss):		
	a Interest . . . . .	4a	Sch. B, Part I, line 1
	b Ordinary dividends . . . . .	4b	Sch. B, Part II, line 5
	c Royalties . . . . .	4c	Sch. E, Part I, line 4
	d Net short-term capital gain (loss) . . . . .	4d	Sch. D, line 5, col. (f)
	e (1) Net long-term capital gain (loss) . . . . .	4e(1)	Sch. D, line 12, col. (f)
	(2) 28% rate gain (loss) . . . . .	4e(2)	Sch. D, line 12, col. (g)
	(3) Qualified 5-year gain . . . . .	4e(3)	Line 5 of worksheet for Sch. D, line 29
	f Other portfolio income (loss) (attach schedule) . . . . .	4f	Enter on applicable line of your return.
Deductions	5 Guaranteed payments to partner . . . . .	5	See page 6 of Partner's instructions for Schedule K-1 (Form 1065).
	6 Net section 1231 gain (loss) (other than due to casualty or theft) . . . . .	6	
	7 Other income (loss) (attach schedule) . . . . .	7 (1,792,366)	Enter on applicable line of your return.
	8 Charitable contributions (see instructions) (attach schedule) . . . . .	8	Sch. A, line 15 or 16
Credits	9 Section 179 expense deduction . . . . .	9	See pages 7 and 8 of Partner's instructions for Schedule K-1 (Form 1065).
	10 Deductions related to portfolio income (attach schedule) . . . . .	10	
	11 Other deductions (attach schedule) . . . . .	11	
	12a Low-income housing credit:		Form 8586, line 5
	(1) From section 42(j)(5) partnerships . . . . .	12a(1)	
	(2) Other than on line 12a(1) . . . . .	12a(2)	
	b Qualified rehabilitation expenditures related to rental real estate activities . . . . .	12b	See page 8 of Partner's instructions for Schedule K-1 (Form 1065).
	c Credits (other than credits shown on lines 12a and 12b) related to rental real estate activities . . . . .	12c	
	d Credits related to other rental activities . . . . .	12d	
	13 Other credits . . . . .	13	

For Paperwork Reduction Act Notice, see Instructions for Form 1065.

Cat. No. 11394R

Schedule K-1 (Form 1065) 2002

(a) Distributive share item		Amount	(c) 1040 filers enter the amount in column (b) on:
Investment Interest	14a Interest expense on investment debts . . . . .	14a 32,348	Form 4952, line 1 See page 9 of Partner's instructions for Schedule K-1 (Form 1065).
	b (1) Investment income included on lines 4a, 4b, 4c, and 4f . . . . .	14b(1)	
	(2) Investment expenses included on line 10 . . . . .	14b(2)	
Self-employment	15a Net earnings (loss) from self-employment . . . . .	15a	Sch. SE, Section A or B See page 9 of Partner's instructions for Schedule K-1 (Form 1065).
	b Gross farming or fishing income . . . . .	15b	
	c Gross nonfarm income . . . . .	15c	
Adjustments and Tax Preference Items	16a Depreciation adjustment on property placed in service after 1986 . . . . .	16a	See page 9 of Partner's instructions for Schedule K-1 (Form 1065) and instructions for Form 6251.
	b Adjusted gain or loss . . . . .	16b	
	c Depletion (other than oil and gas) . . . . .	16c	
	d (1) Gross income from oil, gas, and geothermal properties . . . . .	16d(1)	
	(2) Deductions allocable to oil, gas, and geothermal properties . . . . .	16d(2)	
	e Other adjustments and tax preference items (attach schedule) . . . . .	16e	
Foreign Taxes	17a Name of foreign country or U.S. possession ► VARIOUS . . . . .	17a	Form 1116, Part I
	b Gross income from all sources . . . . .	17b	
	c Gross income sourced at partner level . . . . .	17c	
	d Foreign gross income sourced at partnership level:		
	(1) Passive . . . . .	17d(1)	
	(2) Listed categories (attach schedule) . . . . .	17d(2)	
	(3) General limitation . . . . .	17d(3)	
	e Deductions allocated and apportioned at partner level:		
	(1) Interest expense . . . . .	17e(1)	
	(2) Other . . . . .	17e(2)	
	f Deductions allocated and apportioned at partnership level to foreign source income:		
	(1) Passive . . . . .	17f(1)	
	(2) Listed categories (attach schedule) . . . . .	17f(2)	
	(3) General limitation . . . . .	17f(3)	
g Total foreign taxes (check one): ► <input type="checkbox"/> Paid <input type="checkbox"/> Accrued . . . . .	17g	Form 1116, Part II Form 1116, line 12	
h Reduction in taxes available for credit (attach schedule) . . . . .	17h		
Other	18 Section 59(e)(2) expenditures: a Type ► . . . . .	18a	See page 9 of Partner's instructions for Schedule K-1 (Form 1065).
	b Amount . . . . .	18b	
	19 Tax-exempt interest income . . . . .	19	Form 1040, line 8b
	20 Other tax-exempt income . . . . .	20	See pages 9 and 10 of Partner's instructions for Schedule K-1 (Form 1065).
	21 Nondeductible expenses . . . . .	21	
	22 Distributions of money (cash and marketable securities) . . . . .	22 0	
	23 Distributions of property other than money . . . . .	23	Form 8611, line 8
	24 Recapture of low-income housing credit:		
a From section 42(j)(5) partnerships . . . . .	24a		
b Other than on line 24a . . . . .	24b		
Supplemental Information	25 Supplemental information required to be reported separately to each partner (attach additional schedules if more space is needed):		
	See attached schedules		



Schedule K-1 (Form 1065) 2002

13-4198369

Linuxor Global Macro Fund, L.P.

33-1002055

McCarthy Investments LLC

11

<b>Partner's ID No.</b> 33-1002055	<b>Partnership's ID No.</b> 13-4198369
<b>Partner's name, address, and ZIP code</b> McCarthy Investments LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004
<b>Line 25 - Supplemental information required to be reported separately to each partner:</b>	

**Gain or Loss on Liquidation of Partnership Interest:**

If you made a withdrawal from the Partnership, you may have a gain or loss.  
Please consult your tax advisor.

**Item J, Column (c):**

Unrealized appreciation/depreciation and timing differences	\$ (228,941)
Tax-exempt interest & other tax-exempt income	0
Nondeductible expenses	0
Taxable income (loss)	(1,898,109)
<b>Total</b>	<b>\$ (2,127,050)</b>

**Line 1 - Ordinary income (loss) from trade or business activities:**

Income reported on line 1 is not passive income (loss) and is not portfolio income (loss) for purposes of the passive activity loss rules (Temp. Reg. Sec. 1.469-1T(e)(6); Sec. 1.469-2T(c)(3)(ii)(D)). The amount reported on line 1 should be entered by an "Individual" taxpayer on Schedule E, Part II as nonpassive.

**Line 7 - Other Income (loss):**

Net Short-Term Capital Gain (Loss)	\$ (29,039)
Net Long-Term Capital Gain (Loss), includes qualified 5-year gain of \$ 0	0
Section 1256 Net Gain (Loss) *	(1,867,545)
Section 988 - Foreign Currency Transaction Gain (Loss)	104,218
Other income (loss)	0
<b>Total</b>	<b>\$ (1,792,366)</b>

\* Taxpayers should report 1256 gain or loss on Form 6781

<b>Partner's ID No.</b> 33-1002055	<b>Partnership's ID No.</b> 13-4198369
<b>Partner's name, address, and ZIP code</b> McCarthy Investments LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004
<b>Line 25 - Supplemental information required to be reported separately to each partner:</b>	

**Line 14a - Interest expense on investment debts:**

"Individual" partners that do not materially participate in the operations of the Partnership must report interest expense as investment interest expense on Form 4952, line 1. "Individual" partners that materially participate and "C" corporations should combine the amount on line 14a with the amount on line 1.

**Unrelated Business Taxable Income:**

If you are a tax-exempt entity, your share of Unrelated Business Taxable Income (Loss) is reported below:

Ordinary Income (Loss):	\$	(2,472)
Short-Term Capital Gain (Loss):	\$	(3,482)
Long-Term Capital Gain (Loss):	\$	0

**Interest Income from U.S. Obligations:**

Included in line 1 is your share of interest income from U.S.

Obligations:	\$	0
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Your share of cost to carry U.S. Obligations is as follows:

Interest expense:	\$	0
Other expenses:	\$	0

**Dividends Qualifying for 70% Dividend Received Deduction:**

Your share of dividends from domestic corporations, included in line 1, qualifying for 70% Dividend Received Deduction is as follows:

	\$	0
--	----	---



August 12, 2003

JFM Holdings, LP  
JFM Capital Management, LLC  
610 East South Temple, Suite 200  
Salt Lake City, UT 84102

Dear Partner:

Enclosed please find your K-1 tax information and instructions for Linuxor Global Macro Fund L.P. for December 31, 2002. If you have any questions, please feel free to contact John Zacharella at JZacharella@rkco.com or Gary Berger at GBerger@rkco.com.

Sincerely,

Rothstein, Kass &amp; Company, P.C.

1177 Avenue of the Americas  
New York, NY 10036  
(212) 997-0500  
Fax (212) 730-6892

9171 Wilshire Boulevard  
Beverly Hills, CA 90210  
(310) 273-2770  
Fax (310) 273-6649

500 Ygnacio Valley Road  
Walnut Creek, CA 94956  
(925) 946-1300  
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2515 McKinney Avenue  
Dallas, TX 75201  
(214) 665-6000  
Fax (214) 965-0710

3 Becker Farm Road  
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(973) 994-6666  
Fax (973) 758-1958



## INSTRUCTIONS FOR TRADE OR BUSINESS

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Each partner must individually determine whether or not he or she materially participated during the year in the operations of the Partnership, since this affects the presentation and placement of interest expense on your tax return. The Schedule K-1 has been prepared on the basis of a partner who does not materially participate in the operations of the Partnership. Limited partners generally do not materially participate in the trading activities of the Partnership. Accordingly, interest expense reported on line 14a should be reported by an "Individual" taxpayer on Form 4952 line 1 – investment interest expense. Any deductible interest expense should be entered on Schedule E, Part II, column (i). For purposes of determining the investment interest expense limitation, the amounts shown on lines 1 and 7 will affect the computation of investment income.

A partner that materially participates in the trading operation of the Partnership, or a partner that is a "C" corporation, should combine the net ordinary income (loss) reported on line 1 with the interest expense reported on line 14a.

### Trader Net Long-Term Capital Gain (Loss)

The supporting schedule for line 7 includes your share of net long-term capital gain (loss). The amount of qualified 5-year gain, if any, included in the net long-term capital gain (loss) is separately stated. Qualified 5-year gain is subject to a special reduced 8% tax rate for individuals reporting a net long-term capital gain. The reduced tax rate of 8% is available only to the extent that the qualified 5-year gain falls within the 15% tax bracket.

**Dividends Eligible for Dividend – Received – Deduction (DRD)**

The qualifying dividends represent the amount of dividends from less than 20% owned domestic corporations eligible for the dividends received deduction under IRC Section 243(a). The balance of dividends is not eligible for the dividends received deduction.

**Unrelated Business Taxable Income (Loss)**

If you are a tax-exempt entity and you have gross income from an unrelated trade or business of \$1,000 or more, you must file Form 990-T. The law is not entirely clear as to the proper way to determine income (loss) that is attributable to the use of leverage ("debt-financed income"). We have computed UBTI based on our interpretation of the law. Our computation of UBTI has been reflected on line 25 of Schedule K-1.

**Guaranteed Payments**

Guaranteed payments do not constitute passive income. Guaranteed payments that represent interest on capital constitute investment income for purposes of the investment interest expense limitation.

**State & Local Tax Information**

If you are required to file a state income tax return, your share of interest income from obligations issued by the U.S. Government or its agencies and your share of expenses to carry such obligations are reported on line 25 of Schedule K-1.

THESE INSTRUCTIONS INVOLVE COMPLEX INCOME TAX MATTERS WHICH OFTEN AFFECT TAXPAYERS DIFFERENTLY DEPENDING UPON THEIR OWN PARTICULAR FACTS AND CIRCUMSTANCES. THEREFORE, YOU SHOULD CONSIDER CONSULTING WITH A PROFESSIONAL TAX ADVISER IF YOU ARE UNCERTAIN ABOUT THE TREATMENT OF ANY ITEM REPORTED ON SCHEDULE K-1 AND THE ACCOMPANYING ATTACHMENTS.

(Form 1065)

Department of the Treasury  
Internal Revenue Service

Partners' share of income, credits, deductions, etc.

See separate instructions.

For calendar year 2002 or tax year beginning

, 2002, and ending

2002

Partner's identifying number ▶ 13-7260374

Partner's name, address, and ZIP code  
JFM Holdings, LP  
JFM Capital Management, LLC  
610 East South Temple, Suite 200  
Salt Lake City, UT 84102

Partnership's identifying number ▶ 13-4198369

Partnership's name, address, and ZIP code  
Linuxor Global Macro Fund, L.P.  
7 Hanover Square, 2nd Floor  
New York, NY 10004A This partner is a ☐ general partner ☒ limited partner  
☐ limited liability company member

B What type of entity is this partner? ▶ LP

C Is this partner a ☒ domestic or a ☐ foreign partner?(i) Before change  
or termination (ii) End of  
year

D Enter partner's percentage of:

Profit sharing . . . . . % VAR %

Loss sharing . . . . . % VAR %

Ownership of capital . . . . . % 42.94 %

E IRS Center where partnership filed return: Cincinnati, OH

F Partner's share of liabilities (see instructions):

Nonrecourse . . . . . \$

Qualified nonrecourse financing . . . . . \$

Other . . . . . \$

G Tax shelter registration number . ▶

H Check here if this partnership is a publicly traded  
partnership as defined in section 469(k)(2) . . . . . ☐I Check applicable boxes: (1) ☐ Final K-1 (2) ☐ Amended K-1

J Analysis of partner's capital account:

(a) Capital account at beginning of year	(b) Capital contributed during year	(c) Partner's share of lines 3, 4, and 7, Form 1065, Schedule M-2	(d) Withdrawals and distributions	(e) Capital account at end of year (combine columns (a) through (d))
0	5,000,000	(2,127,048)	( 0 )	2,872,952

(a) Distributive share item		(b) Amount	(c) 1040 filers enter the amount in column (b) on:
Income (Loss)	1 Ordinary income (loss) from trade or business activities . . . . .	1 (73,393)	See page 6 of Partner's Instructions for Schedule K-1 (Form 1065).
	2 Net income (loss) from rental real estate activities . . . . .	2	
	3 Net income (loss) from other rental activities . . . . .	3	
	4 Portfolio income (loss):		Sch. B, Part I, line 1 Sch. B, Part II, line 5 Sch. E, Part I, line 4 Sch. D, line 5, col. (f) Sch. D, line 12, col. (f) Sch. D, line 12, col. (g) Line 5 of worksheet for Sch. D, line 29 Enter on applicable line of your return.
	a Interest . . . . .	4a	
	b Ordinary dividends . . . . .	4b	
	c Royalties . . . . .	4c	
	d Net short-term capital gain (loss) . . . . .	4d	
	e (1) Net long-term capital gain (loss) . . . . .	4e(1)	
	(2) 28% rate gain (loss) . . . . .	4e(2)	
	(3) Qualified 5-year gain . . . . .	4e(3)	
	f Other portfolio income (loss) (attach schedule) . . . . .	4f	
	5 Guaranteed payments to partner . . . . .	5	See page 6 of Partner's Instructions for Schedule K-1 (Form 1065).
	6 Net section 1231 gain (loss) (other than due to casualty or theft) . . . . .	6	
	7 Other income (loss) (attach schedule) . . . . .	7 (1,792,369)	Enter on applicable line of your return.
Deductions	8 Charitable contributions (see instructions) (attach schedule) . . . . .	8	Sch. A, line 15 or 16 See pages 7 and 8 of Partner's Instructions for Schedule K-1 (Form 1065).
	9 Section 179 expense deduction . . . . .	9	
	10 Deductions related to portfolio income (attach schedule) . . . . .	10	
	11 Other deductions (attach schedule) . . . . .	11	
Credits	12a Low-income housing credit:		Form 8586, line 5
	(1) From section 42(j)(5) partnerships . . . . .	12a(1)	
	(2) Other than on line 12a(1) . . . . .	12a(2)	See page 8 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Qualified rehabilitation expenditures related to rental real estate activities . . . . .	12b	
	c Credits (other than credits shown on lines 12a and 12b) related to rental real estate activities . . . . .	12c	
	d Credits related to other rental activities . . . . .	12d	
	13 Other credits . . . . .	13	

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Cat. No. 11394R

Schedule K-1 (Form 1065) 2002

	(a) Dispositive share item	Amount	(c) 1040 filers enter the amount in column (b) on:
Investment Interest	14a Interest expense on investment debts . . . . .	14a 32,344	Form 4952, line 1 See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b (1) Investment income included on lines 4a, 4b, 4c, and 4f . . . . .	14b(1)	
	(2) Investment expenses included on line 10 . . . . .	14b(2)	
Self-employment	15a Net earnings (loss) from self-employment . . . . .	15a	Sch. SE, Section A or B See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Gross farming or fishing income . . . . .	15b	
	c Gross nonfarm income . . . . .	15c	
Adjustments and Tax Preference Items	16a Depreciation adjustment on property placed in service after 1986 . . . . .	16a	See page 9 of Partner's Instructions for Schedule K-1 (Form 1065) and Instructions for Form 6251.
	b Adjusted gain or loss . . . . .	16b	
	c Depletion (other than oil and gas) . . . . .	16c	
	d (1) Gross income from oil, gas, and geothermal properties . . . . .	16d(1)	
	(2) Deductions allocable to oil, gas, and geothermal properties . . . . .	16d(2)	
	e Other adjustments and tax preference items (attach schedule) . . . . .	16e	
Foreign Taxes	17a Name of foreign country or U.S. possession ► VARIOUS . . . . .	17a	Form 1116, Part I
	b Gross income from all sources . . . . .	17b	
	c Gross income sourced at partner level . . . . .	17c	
	d Foreign gross income sourced at partnership level:		
	(1) Passive . . . . .	17d(1)	
	(2) Listed categories (attach schedule) . . . . .	17d(2)	
	(3) General limitation . . . . .	17d(3)	
	e Deductions allocated and apportioned at partner level:		
	(1) Interest expense . . . . .	17e(1)	
	(2) Other . . . . .	17e(2)	
	f Deductions allocated and apportioned at partnership level to foreign source income:		
	(1) Passive . . . . .	17f(1)	
	(2) Listed categories (attach schedule) . . . . .	17f(2)	
	(3) General limitation . . . . .	17f(3)	
g Total foreign taxes (check one): ► <input type="checkbox"/> Paid <input type="checkbox"/> Accrued . . . . .	17g	Form 1116, Part II Form 1116, line 12	
h Reduction in taxes available for credit (attach schedule) . . . . .	17h		
Other	18 Section 59(e)(2) expenditures: a Type ► . . . . .	18a	See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Amount . . . . .	18b	
	19 Tax-exempt interest income . . . . .	19	Form 1040, line 8b
	20 Other tax-exempt income . . . . .	20	
	21 Nondeductible expenses . . . . .	21	See pages 9 and 10 of Partner's Instructions for Schedule K-1 (Form 1065).
	22 Distributions of money (cash and marketable securities) . . . . .	22 0	
	23 Distributions of property other than money . . . . .	23	
	24 Recapture of low-income housing credit:		Form 8611, line 8
a From section 42(j)(5) partnerships . . . . .	24a		
b Other than on line 24a . . . . .	24b		
Supplemental Information	25 Supplemental information required to be reported separately to each partner (attach additional schedules if more space is needed):		
	See attached schedules		



Schedule K-1 (Form 1065) 2002

Partner's ID No. 13-7260374	Partnership's ID No. 13-4198369
<b>Partner's name, address, and ZIP code</b> JFM Holdings, LP JFM Capital Management, LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004
<b>Line 25 - Supplemental information required to be reported separately to each partner:</b>	

**Gain or Loss on Liquidation of Partnership Interest:**

If you made a withdrawal from the Partnership, you may have a gain or loss.  
Please consult your tax advisor.

**Item J, Column (c):**

Unrealized appreciation/depreciation and timing differences	\$ (228,942)
Tax-exempt interest & other tax-exempt income	0
Nondeductible expenses	0
Taxable income (loss)	(1,898,106)
<b>Total</b>	<b>\$ (2,127,048)</b>

**Line 1 - Ordinary income (loss) from trade or business activities:**

Income reported on line 1 is not passive income (loss) and is not portfolio income (loss) for purposes of the passive activity loss rules (Temp. Reg. Sec. 1.469-1T(e)(6); Sec. 1.469-2T(c)(3)(ii)(D)). The amount reported on line 1 should be entered by an "Individual" taxpayer on Schedule E, Part II as nonpassive.

**Line 7 - Other Income (loss):**

Net Short-Term Capital Gain (Loss)	\$ (29,039)
Net Long-Term Capital Gain (Loss), includes qualified 5-year gain of \$ 0	0
Section 1256 Net Gain (Loss) *	(1,867,549)
Section 988 - Foreign Currency Transaction Gain (Loss)	104,219
Other income (loss)	0
<b>Total</b>	<b>\$ (1,792,369)</b>

\* Taxpayers should report 1256 gain or loss on Form 6781

## SCHEDULE K-1 SUPPLEMENTAL INFORMATION

Partner's ID No. 13-7260374	Partnership's ID No. 13-4198369
<b>Partner's name, address, and ZIP code</b> JFM Holdings, LP JFM Capital Management, LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004

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**Line 25 - Supplemental information required to be reported separately to each partner:**

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**Line 14a - Interest expense on investment debts:**

"Individual" partners that do not materially participate in the operations of the Partnership must report interest expense as investment interest expense on Form 4952, line 1. "Individual" partners that materially participate and "C" corporations should combine the amount on line 14a with the amount on line 1.

**Unrelated Business Taxable Income:**

If you are a tax-exempt entity, your share of Unrelated Business Taxable Income (Loss) is reported below:

Ordinary Income (Loss):	\$ (2,471)
Short-Term Capital Gain (Loss):	\$ (3,483)
Long-Term Capital Gain (Loss):	\$ 0

**Interest Income from U.S. Obligations:**

Included in line 1 is your share of interest income from U.S.

Obligations:	\$ 0
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Your share of cost to carry U.S. Obligations is as follows:

Interest expense:	\$ 0
Other expenses:	\$ 0

**Dividends Qualifying for 70% Dividend Received Deduction:**

Your share of dividends from domestic corporations, included in line 1, qualifying for 70% Dividend Received Deduction is as follows:

	\$ 0
--	------



August 12, 2003

2001, Jane F. McCarthe Grat No. 5  
JFM Capital Management, LLC  
610 East South Temple, Suite 200  
Salt Lake City, UT 84102

Dear Partner:

Enclosed please find your K-1 tax information and instructions for Linuxor Global Macro Fund L.P. for December 31, 2002. If you have any questions, please feel free to contact John Zacharella at JZacharella@rkco.com or Gary Berger at GBerger@rkco.com.

Sincerely,

Rothstein, Kass &amp; Company, P.C.

1177 Avenue of the Americas  
New York, NY 10036  
(212) 997-0500  
Fax (212) 730-6892

9171 Wilshire Boulevard  
Beverly Hills, CA 90210  
(310) 273-2770  
Fax (310) 273-6649

500 Ygnacio Valley Road  
Walnut Creek, CA 94956  
(925) 946-1300  
Fax (925) 947-1700

2515 McKinney Avenue  
Dallas, TX 75201  
(214) 665-6000  
Fax (214) 965-0710

3 Becker Farm Road  
Roseland, NJ 07068  
(973) 994-6666  
Fax (973) 758-1958

## INSTRUCTIONS FOR TRADE OR BUSINESS

Attached is a copy of Schedule K-1, Form 1065 which lists your distributive share of the Partnership's taxable income (loss) for the year ended December 31, 2002. These amounts are to be reported on your 2002 Income Tax Returns.

In connection with the information included on the attached copy of Federal Schedule K-1, please note the following:

### Trade or Business

The Partnership has taken the position that it is engaged in the active conduct of a business as a trader in securities. The trading operation is not passive income and is not portfolio income for purposes of the passive activity loss rules (Temp. Reg. Section 1.469-1T(e)(6); Section 1.469-2T(c)(3)(ii)(D)).

Each partner must individually determine whether or not he or she materially participated during the year in the operations of the Partnership, since this affects the presentation and placement of interest expense on your tax return. The Schedule K-1 has been prepared on the basis of a partner who does not materially participate in the operations of the Partnership. Limited partners generally do not materially participate in the trading activities of the Partnership. Accordingly, interest expense reported on line 14a should be reported by an "Individual" taxpayer on Form 4952 line 1 – investment interest expense. Any deductible interest expense should be entered on Schedule E, Part II, column (i). For purposes of determining the investment interest expense limitation, the amounts shown on lines 1 and 7 will affect the computation of investment income.

A partner that materially participates in the trading operation of the Partnership, or a partner that is a "C" corporation, should combine the net ordinary income (loss) reported on line 1 with the interest expense reported on line 14a.

### Trader Net Long-Term Capital Gain (Loss)

The supporting schedule for line 7 includes your share of net long-term capital gain (loss). The amount of qualified 5-year gain, if any, included in the net long-term capital gain (loss) is separately stated. Qualified 5-year gain is subject to a special reduced 8% tax rate for individuals reporting a net long-term capital gain. The reduced tax rate of 8% is available only to the extent that the qualified 5-year gain falls within the 15% tax bracket.



**Dividends Eligible for Dividend – Received – Deduction (DRD)**

The qualifying dividends represent the amount of dividends from less than 20% owned domestic corporations eligible for the dividends received deduction under IRC Section 243(a). The balance of dividends is not eligible for the dividends received deduction.

**Unrelated Business Taxable Income (Loss)**

If you are a tax-exempt entity and you have gross income from an unrelated trade or business of \$1,000 or more, you must file Form 990-T. The law is not entirely clear as to the proper way to determine income (loss) that is attributable to the use of leverage ("debt-financed income"). We have computed UBTI based on our interpretation of the law. Our computation of UBTI has been reflected on line 25 of Schedule K-1.

**Guaranteed Payments**

Guaranteed payments do not constitute passive income. Guaranteed payments that represent interest on capital constitute investment income for purposes of the investment interest expense limitation.

**State & Local Tax Information**

If you are required to file a state income tax return, your share of interest income from obligations issued by the U.S. Government or its agencies and your share of expenses to carry such obligations are reported on line 25 of Schedule K-1.

THESE INSTRUCTIONS INVOLVE COMPLEX INCOME TAX MATTERS WHICH OFTEN AFFECT TAXPAYERS DIFFERENTLY DEPENDING UPON THEIR OWN PARTICULAR FACTS AND CIRCUMSTANCES. THEREFORE, YOU SHOULD CONSIDER CONSULTING WITH A PROFESSIONAL TAX ADVISER IF YOU ARE UNCERTAIN ABOUT THE TREATMENT OF ANY ITEM REPORTED ON SCHEDULE K-1 AND THE ACCOMPANYING ATTACHMENTS.

(Form 1065)

Department of the Treasury  
Internal Revenue Service

For calendar year 2002 or tax year beginning , 2002, and ending , 2002

▶ See separate instructions.

2002

Partner's identifying number ▶ 13-7314747

Partner's name, address, and ZIP code

2001, Jane F. McCarthy Gral No. 5  
JFM Capital Management, LLC  
610 East South Temple, Suite 200  
Salt Lake City, UT 84102

Partnership's identifying number ▶ 13-4198369

Partnership's name, address, and ZIP code

Linuxor Global Macro Fund, L.P.  
7 Hanover Square, 2nd Floor  
New York, NY 10004A This partner is a ☐ general partner ☒ limited partner  
☐ limited liability company member

B What type of entity is this partner? ▶ TRUST

C Is this partner a ☒ domestic or a ☐ foreign partner?

D Enter partner's percentage of:

	(i) Before change or termination	(ii) End of year
Profit sharing . . . . .	%	VAR %
Loss sharing . . . . .	%	VAR %
Ownership of capital . . . . .	%	11.54 %

E IRS Center where partnership filed return: Cincinnati, OH

F Partner's share of liabilities (see instructions):

Nonrecourse . . . . .	\$	.....
Qualified nonrecourse financing . . . . .	\$	.....
Other . . . . .	\$	.....

G Tax shelter registration number ▶ .....

H Check here if this partnership is a publicly traded partnership as defined in section 469(k)(2) ☐I Check applicable boxes: (1) ☐ Final K-1 (2) ☐ Amended K-1

## J Analysis of partner's capital account:

(a) Capital account at beginning of year	(b) Capital contributed during year	(c) Partner's share of lines 3, 4, and 7, Form 1065, Schedule M-2	(d) Withdrawals and distributions	(e) Capital account at end of year (combine columns (a) through (d))
0	1,500,000	(728,017)	0	771,983

(a) Distributive share item		(b) Amount	(c) 1040 filers enter the amount in column (b) on:
Income (Loss)	1 Ordinary income (loss) from trade or business activities . . . . .	(47,304)	See page 6 of Partner's Instructions for Schedule K-1 (Form 1065).
	2 Net income (loss) from rental real estate activities . . . . .		
	3 Net income (loss) from other rental activities . . . . .		
	4 Portfolio income (loss):		Sch. B, Part I, line 1 Sch. B, Part II, line 5 Sch. E, Part I, line 4 Sch. D, line 5, col. (f) Sch. D, line 12, col. (f) Sch. D, line 12, col. (g) Line 5 of worksheet for Sch. D, line 29 Enter on applicable line of your return.
	a Interest . . . . .	4a	
	b Ordinary dividends . . . . .	4b	
	c Royalties . . . . .	4c	
	d Net short-term capital gain (loss) . . . . .	4d	
	e (1) Net long-term capital gain (loss) . . . . .	4e(1)	
	(2) 28% rate gain (loss) . . . . .	4e(2)	
	(3) Qualified 5-year gain . . . . .	4e(3)	
	f Other portfolio income (loss) (attach schedule) . . . . .	4f	See page 6 of Partner's Instructions for Schedule K-1 (Form 1065). Enter on applicable line of your return.
	5 Guaranteed payments to partner . . . . .	5	
	6 Net section 1231 gain (loss) (other than due to casualty or theft) . . . . .	6	
	7 Other income (loss) (attach schedule) . . . . .	(596,118)	
Deductions	8 Charitable contributions (see instructions) (attach schedule) . . . . .	8	Sch. A, line 15 or 16
	9 Section 179 expense deduction . . . . .	9	
	10 Deductions related to portfolio income (attach schedule) . . . . .	10	See pages 7 and 8 of Partner's Instructions for Schedule K-1 (Form 1065).
	11 Other deductions (attach schedule) . . . . .	11	
Credits	12a Low-income housing credit:		Form 8586, line 5
	(1) From section 42(j)(5) partnerships . . . . .	12a(1)	
	(2) Other than on line 12a(1) . . . . .	12a(2)	See page 8 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Qualified rehabilitation expenditures related to rental real estate activities . . . . .	12b	
	c Credits (other than credits shown on lines 12a and 12b) related to rental real estate activities . . . . .	12c	
	d Credits related to other rental activities . . . . .	12d	
	13 Other credits . . . . .	13	

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Cat. No. 11394R

Schedule K-1 (Form 1065) 2002

(a) Distributive share item		(b) Amount	(c) 1040 filers enter the amount in column (b) on:
Investment Interest	14a Interest expense on investment debts . . . . .	14a 9,255	Form 4952, line 1 See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b (1) Investment income included on lines 4a, 4b, 4c, and 4f . . . . .	14b(1)	
	(2) Investment expenses included on line 10 . . . . .	14b(2)	
Self-employment	15a Net earnings (loss) from self-employment . . . . .	15a	Sch. SE, Section A or B See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Gross farming or fishing income . . . . .	15b	
	c Gross nonfarm income . . . . .	15c	
Adjustments and Tax Preference Items	16a Depreciation adjustment on property placed in service after 1986 . . . . .	16a	See page 9 of Partner's Instructions for Schedule K-1 (Form 1065) and Instructions for Form 6251.
	b Adjusted gain or loss . . . . .	16b	
	c Depletion (other than oil and gas) . . . . .	16c	
	d (1) Gross income from oil, gas, and geothermal properties . . . . .	16d(1)	
	(2) Deductions allocable to oil, gas, and geothermal properties . . . . .	16d(2)	
	e Other adjustments and tax preference items (attach schedule) . . . . .	16e	
Foreign Taxes	17a Name of foreign country or U.S. possession ► VARIOUS . . . . .		Form 1116, Part I
	b Gross income from all sources . . . . .	17b	
	c Gross income sourced at partner level . . . . .	17c	
	d Foreign gross income sourced at partnership level:		
	(1) Passive . . . . .	17d(1)	
	(2) Listed categories (attach schedule) . . . . .	17d(2)	
	(3) General limitation . . . . .	17d(3)	
	e Deductions allocated and apportioned at partner level:		
	(1) Interest expense . . . . .	17e(1)	
	(2) Other . . . . .	17e(2)	
	f Deductions allocated and apportioned at partnership level to foreign source income:		
	(1) Passive . . . . .	17f(1)	
	(2) Listed categories (attach schedule) . . . . .	17f(2)	
(3) General limitation . . . . .	17f(3)		
g Total foreign taxes (check one): ► <input type="checkbox"/> Paid <input type="checkbox"/> Accrued . . . . .	17g	Form 1116, Part II Form 1116, line 12	
h Reduction in taxes available for credit (attach schedule) . . . . .	17h		
Other	18 Section 59(e)(2) expenditures: a Type ► . . . . .	18b	See page 9 of Partner's Instructions for Schedule K-1 (Form 1065).
	b Amount . . . . .	18b	
	19 Tax-exempt interest income . . . . .	19	Form 1040, line 8b
	20 Other tax-exempt income . . . . .	20	
	21 Nondeductible expenses . . . . .	21	See pages 9 and 10 of Partner's Instructions for Schedule K-1 (Form 1065).
	22 Distributions of money (cash and marketable securities) . . . . .	22 0	
	23 Distributions of property other than money . . . . .	23	
	24 Recapture of low-income housing credit:		Form 8611, line 8
a From section 42(j)(5) partnerships . . . . .	24a		
b Other than on line 24a . . . . .	24b		
Supplemental Information	25 Supplemental information required to be reported separately to each partner (attach additional schedules if more space is needed):		
	See attached schedules		



Schedule K-1 (Form 1065) 2002

13-4198369

Linuxor Global Macro Fund, L.P.

13-7314747

2001, Jane F. McCarthe Grat No. 5

13

<b>Partner's ID No.</b> 13-7314747	<b>Partnership's ID No.</b> 13-4198369
<b>Partner's name, address, and ZIP code</b> 2001, Jane F. McCarthy Gral No. 5 JFM Capital Management, LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004
<b>Line 25 - Supplemental information required to be reported separately to each partner:</b>	

**Gain or Loss on Liquidation of Partnership Interest:**

If you made a withdrawal from the Partnership, you may have a gain or loss.  
Please consult your tax advisor.

**Item J, Column (c):**

Unrealized appreciation/depreciation and timing differences	\$ (75,340)
Tax-exempt interest & other tax-exempt income	0
Nondeductible expenses	0
Taxable income (loss)	(652,677)
<b>Total</b>	<b>\$ (728,017)</b>

**Line 1 - Ordinary income (loss) from trade or business activities:**

Income reported on line 1 is not passive income (loss) and is not portfolio income (loss) for purposes of the passive activity loss rules (Temp. Reg. Sec. 1.469-1T(e)(6); Sec. 1.469-2T(c)(3)(ii)(D)). The amount reported on line 1 should be entered by an "Individual" taxpayer on Schedule E, Part II as nonpassive.

**Line 7 - Other Income (loss):**

Net Short-Term Capital Gain (Loss)	\$ (9,556)
Net Long-Term Capital Gain (Loss), includes qualified 5-year gain of \$ 0	0
Section 1256 Net Gain (Loss) *	(614,566)
Section 988 - Foreign Currency Transaction Gain (Loss)	28,004
Other income (loss)	0
<b>Total</b>	<b>\$ (596,118)</b>

\* Taxpayers should report 1256 gain or loss on Form 6781

## SCHEDULE K-1 SUPPLEMENTAL INFORMATION

Partner's ID No. 13-7314747	Partnership's ID No. 13-4198369
<b>Partner's name, address, and ZIP code</b> 2001, Jane F. McCarthe Grat No. 5 JFM Capital Management, LLC 610 East South Temple, Suite 200 Salt Lake City, UT 84102	<b>Partnership's name, address, and ZIP code</b> Linuxor Global Macro Fund, L.P. 7 Hanover Square, 2nd Floor New York, NY 10004
<b>Line 25 - Supplemental information required to be reported separately to each partner:</b>	

**Line 14a - Interest expense on investment debts:**

"Individual" partners that do not materially participate in the operations of the Partnership must report interest expense as investment interest expense on Form 4952, line 1. "Individual" partners that materially participate and "C" corporations should combine the amount on line 14a with the amount on line 1.

**Unrelated Business Taxable Income:**

If you are a tax-exempt entity, your share of Unrelated Business Taxable Income (Loss) is reported below:

Ordinary Income (Loss):	\$	(6,568)
Short-Term Capital Gain (Loss):	\$	(1,146)
Long-Term Capital Gain (Loss):	\$	0

**Interest Income from U.S. Obligations:**

Included in line 1 is your share of interest income from U.S.

Obligations:	\$	0
--------------	----	---

Your share of cost to carry U.S. Obligations is as follows:

Interest expense:	\$	0
Other expenses:	\$	0

**Dividends Qualifying for 70% Dividend Received Deduction:**

Your share of dividends from domestic corporations, included in line 1, qualifying for 70% Dividend Received Deduction is as follows:

	\$	0
--	----	---



Sep-14-2004 11:14am From: NATIONAL FUTURES ASSOCIATION

2129643913

T-458 P.003/005 F-804

Cheryl Tulino

From: Todd [todd@mcunemansion.com]  
 Sent: Thursday, June 24, 2004 5:37 PM  
 To: Cheryl Tulino  
 Subject: Fw: K1s

----- Original Message:-----  
 From: "abbas shah" <ashah@isospace.com>  
 To: <todd@mcunemansion.com>  
 Sent: Monday, August 25, 2003 9:43 AM  
 Subject: K1s

>  
 >  
 > Todd,  
 >  
 > My apologies for the delay. You have been more than kind to allow us  
 > the time it has taken to make sure the k-1s and the audit were done  
 > right. Please note that the capital invested through the end of the  
 > year in some options and futures position is shown as an unrealized  
 > loss which was completely reversed in the first week of January. As  
 > you know we are approaching our trading and investment of your capital  
 > very cautiously. Despite that we have been able to outperform most  
 > global market indices (fixed income or equities). We have thus far  
 > recovered more than half of  
 > the  
 > capital loss and if we continue at this pace we hope that we will have  
 > not only recovered all the capital but there is a good likelihood that we will  
 > be positive as far as returns since inception are concerned. I once  
 > again  
 > appreciate yours and Phil patience. Please rest assured that we are  
 > putting  
 > in 110% effort to make sure that the worst is behind us. Please check  
 > your fax for a hardcopy of you K1s.  
 >  
 > I will call you shortly to answer any question that you might have  
 > regarding  
 > your k-1s.  
 > thanks.  
 >  
 >  
 > Sincerely,  
 >  
 > Abbas Shah  
 >  
 >  
 >

SEP-14-2004 11:18

2129643913

96X

P.03







June 24 - July 26, 2004  
Page 2 of 3

217-00217-B017-00217- -023-5-03-W B -2 00-

Primary Account Number: 217-5038467-65

**BusinessCustom Checking**  
(continued)

Account # 217-5038467-65

LINUXOR GLOBAL MACRO FUND LP

**Withdrawals and Debits**

Date	Description	Amount
07/02	Funds Transfer (Domestic) A/C: 0099999651	1,740,391.00
07/02	Funds Transfer (Domestic) A/C: 0009999651	1,740,391.00
07/02	Funds Transfer (Domestic) A/C: 0099999651	522,117.00
07/23	Funds Transfer (Domestic) A/C: Linuxor Asset Management LLC	15,000.00
07/23	Funds Transfer (Domestic) BEN: Law Office Of Charles E. Hall	3,000.00
<b>Total</b>		<b>4,020,899.00</b>

**Daily Balances**

Date	Balance	Date	Balance	Date	Balance	Date	Balance
07/02	72,846.63	07/07	98,031.46	07/23	80,031.46		

**Service Fee Explanation**

All service fees were waived on your account this month.

**Business Money Market Account**

Account # 217-5038467-66

LINUXOR GLOBAL MACRO FUND LP

Summary	Number	Amount
Opening Balance		0.01
Deposits and Credits	0	0.00
Withdrawals and Debits	0	0.00
Checks Paid	0	0.00
<b>Ending Balance</b>		<b>0.01</b>

**THIS ENDS YOUR STATEMENT FINANCIAL DATA**

Personal accounts are subject to the Deposit Accounts Agreement and Disclosures. Business Accounts are subject to the Terms and Conditions for Business Accounts and Services. Please note the rules regarding the time within which you must notify JPMorgan Chase Bank (the "Bank") of any error or discrepancies. Call us at the phone number printed on the front of this statement, or write to us at: P.O. Box 5206, New Hyde Park, NY 11042. In Texas, write to us at: JPMorgan Chase Bank, P.O. Box 1231, Houston, Texas 77251-1231.

International Financial Services customers, please write to us at CIFS, P.O. Box 79779, Houston, TX 77224-9779.

Accounts held at the Bank, including checking, savings, CD, and money market accounts are FDIC insured. Call us for full details and limitations of FDIC coverage.



THE SMALL BUSINESS TEAM AT CHASE<sup>sm</sup>

Institute  
 Partnership  
 Corporation  
 Energy Organization  
 Maritime